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6 Attorneys for Plaintiffs
7
8
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RECEIVED

JAN 29 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

FEB 28 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 SHOP IRONWORKERS LOCAL 790
13 PENSION TRUST; et al.,

14 Plaintiffs,

15 v.

16 VICTOR IRON WORKS, INC.; THERESA
17 ECTOR, individually,

18 Defendant.

Case No.: C 05-3120 MHP

**REQUEST TO ISSUE AMENDED WRIT
OF EXECUTION AND DECLARATION
OF MICHELE R. STAFFORD IN
SUPPORT THEREOF;
[PROPOSED] ORDER**

19 I, Michele R. Stafford, declare under penalty of perjury that:

20 1. I am an attorney for the plaintiffs in the above-entitled action.

21 2. On February 27, 2006, within ten (10) years past, a Judgment (hereinafter
22 “Judgment”) was entered in favor of plaintiffs and against Defendant in the total amount of
23 \$19,665.89.

24 3. On December 28, 2007, a Writ of Execution was issued by the Court in the amount
25 of \$25,639.53, plus \$2.53 post-judgment interest from December 20, 2007. A true and accurate
26 copy of that Writ of Execution is attached hereto as Exhibit A.

27 4. That Writ of Execution is currently held on file with the U.S. Marshals Service, in
28

-1-
REQUEST TO ISSUE AMENDED WRIT OF EXECUTION
Case No.: C05-3120 MHP

1 San Francisco, relative to a levy placed on defendant's Bank of Amador account on January 2,
2 2008.

3 5. It has just come to plaintiffs' attention that the December 28, 2007, Writ of
4 Execution contained an inadvertent typographical error in the top left-hand box; to wit, Michele R.
5 Stafford was identified as the attorney for the "Bay Area Painters and Tapers Pension Fund, et al."
6 rather than correctly as the attorney for the plaintiffs herein, the "Shop Ironworkers Local 790
7 Pension Trust, et al." We apologize for this inadvertent error. As the Court will note, the prior
8 Writ of Execution issued April 4, 2007, and attached hereto as Exhibit B, correctly identified the
9 Shop Ironworkers Local 790 Pension Trust, et al.
10

11 6. It is therefore respectfully requested that the enclosed and corrected Amended Writ
12 of Execution, also attached hereto as Exhibit C, be issued, and that the Court retain jurisdiction
13 over this matter.
14

15 Dated: January 29, 2008

SALTZMAN & JOHNSON LAW CORPORATION



Michele R. Stafford
Attorneys for Plaintiffs

19 **ORDER**

20 Let an Amended Writ of Execution be issued in the sum \$25,639.53 plus 4.70% per annum
21 interest (\$2.53 per diem beginning December 20, 2007) until satisfied, in favor of plaintiffs and
22 against judgment debtors, Victor Iron Works, Inc., and Theresa Ector. This matter shall remain
23 under this Court's jurisdiction.
24

25
26 Dated: 2/28/08



Marilyn Hall Patel
United States District Court Judge

EXHIBIT A

ATTORNEY FOR PARTY WITHOUT ATTORNEY (Name, S Michele R. Stafford (SBN: 172509) Saltzman & Johnson Law Corporation 120 Howard Street, Suite 520 San Francisco, California 94105 TELEPHONE NO.: (415) 882-7900 FAX NO. (Optional): (415) 882-9287 E-MAIL ADDRESS (Optional): mstafford@sjlawcorp.com ATTORNEY FOR (Name): Bay Area Painters and Tapers Pension Fund, et al. <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR COURT USE ONLY
UNITED STATES DISTRICT COURT, Northern District of California STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, California 94102 BRANCH NAME:	
PLAINTIFF: Shop Ironworkers Local 790 Pension Trust, et al. DEFENDANT: Victor Iron Works, Inc.; Theresa Ector	
WRIT OF <input checked="" type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> Real Property <input type="checkbox"/> SALE	CASE NUMBER: C05-3120 MHP

1. To the Sheriff or Marshal of the County of: United States District Court, Northern District of California

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.

3. (Name): Shop Ironworkers Local 790 Pension Trust, et al.

is the ☒ judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name and last known address):

Theresa Ector
 2318 Cochran Road
 McKinleyville, CA 95519

Victor Iron Works, Inc.
 747 Lincoln Avenue
 San Rafael, CA 94901

☐ Additional judgment debtors on next page

5. Judgment entered on (date):

February 27, 2006

6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ

- a. ☒ has not been requested.
 b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

(SEAL)

9. ☐ See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. ☐ This writ is issued on a sister-state judgment.

11. Total judgment \$ 19,665.89

12. Costs after judgment (per filed order or memo CCP 685.090) \$ 4,306.25

13. Subtotal (add 11 and 12) \$

14. Credits \$

15. Subtotal (subtract 14 from 13) \$

16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) . . . \$ 1,667.39 to 12/19/07

17. Fee for issuance of writ \$

18. Total (add 15, 16, and 17) \$ 25,639.53

19. Levying officer:

(a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of. . . . \$ 2.53 from 12/20/07

(b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68511.3; CCP 699.520(i)) \$

20. ☐ The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

RICHARD W. WIEKING

Clerk, by **GINA AGUIRRE-RIVAS**, Deputy

Issued on (date) **DEC 28 2007**

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.

PLAINTIFF: Shop Ironworkers Local 790 Pension Trust, et al.

CASE NUMBER:

C05-3120 MHP

DEFENDANT: Victor Iron Works, Inc.; Theresa Ector

— Items continued from page 1—

21. ☐ Additional judgment debtor (name and last known address):22. ☐ Notice of sale has been requested by (name and address):23. ☐ Joint debtor was declared bound by the judgment (CCP 989-994)

a. on (date):

b. name and address of joint debtor:

a. on (date):

b. name and address of joint debtor:

c. ☐ additional costs against certain joint debtors (itemize):24. ☐ (Writ of Possession or Writ of Sale) Judgment was entered for the following:a. ☐ Possession of real property: The complaint was filed on (date):

(Check (1) or (2)):

(1) ☐ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.

The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ _____ was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify): _____

b. ☐ Possession of personal property.☐ If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.c. ☐ Sale of personal property.d. ☐ Sale of real property.

e. Description of property:

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying Notice of Levy (Form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

➤ A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): Muriel B. Kaplan, Esq. (SBN: 124607) Saltzman & Johnson Law Corporation 120 Howard Street, Suite 520 San Francisco, California 94105 TELEPHONE NO.: (415) 882-7900 FAX NO. (Optional): (415) 882-9287 E-MAIL ADDRESS (Optional): mkaplan@sjlawcorp.com ATTORNEY FOR (Name): Shop Ironworkers Local 790 Pension Trust, et al. <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF United States District Court STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, California 94102 BRANCH NAME: Northern District of California	
PLAINTIFF: Shop Ironworkers Local 790 Pension Trust, et al. DEFENDANT: Victor Iron Works, Inc.; Theresa Ector	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> WRIT OF <input checked="" type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> Real Property <input type="checkbox"/> SALE </div> <div style="width: 35%;"> CASE NUMBER: C05-3120 MHP </div> </div>	

1. To the Sheriff or Marshal of the County of: United States District Court, Northern District of California

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.

3. (Name): Shop Ironworkers Local 790 Pension Trust, et al.

is the ☒ judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name and last known address):

Theresa Ector
 2318 Cochran Road
 McKinleyville, CA 95519

Victor Iron Works, Inc.
 747 Lincoln Avenue
 San Rafael, CA 94901

☐ Additional judgment debtors on next page

5. Judgment entered on (date):

February 27, 2006

6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ

- a. ☒ has not been requested.
 b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

[SEAL]

9. ☐ See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. ☐ This writ is issued on a sister-state judgment.

11. Total judgment \$ 19,665.89

12. Costs after judgment (per filed order or

memo CCP 685.090) \$

13. Subtotal (add 11 and 12) \$

14. Credits \$

15. Subtotal (subtract 14 from 13) \$

16. Interest after judgment (per filed affidavit

CCP 685.050) (not on GC 6103.5 fees) ... \$ 920.36 to 2/27/07

17. Fee for issuance of writ \$

18. Total (add 15, 16, and 17) \$ 20,586.25

19. Levying officer:

(a) Add daily interest from date of writ

(at the legal rate on 15) (not on

GC 6103.5 fees) of. \$ 2.52 from 2/28/07

(b) Pay directly to court costs included in

11 and 17 (GC 6103.5, 68511.3; CCP

699.520(i)) \$

20. ☐ The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

Issued on (date): APR 04 2007

Clerk, by GINA AGUIRRE RIVAS, Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.

PLAINTIFF: Shop Ironworkers Local 790 Pension Trust, et al.	CASE NUMBER:
DEFENDANT: Victor Iron Works, Inc.; Theresa Ector	C05-3120 MHP

— Items continued from page 1—

21. ☐ Additional judgment debtor (name and last known address):

--	--	--	--

22. ☐ Notice of sale has been requested by (name and address):

--	--	--	--

23. ☐ Joint debtor was declared bound by the judgment (CCP 989-994)

a. on (date):

a. on (date):

b. name and address of joint debtor:

b. name and address of joint debtor:

--	--	--	--

c. ☐ additional costs against certain joint debtors (itemize):

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24. ☐ (Writ of Possession or Writ of Sale) Judgment was entered for the following:a. ☐ Possession of real property: The complaint was filed on (date):

(Check (1) or (2)):

(1) ☐ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.

The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ _____ was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

b. ☐ Possession of personal property.☐ If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.c. ☐ Sale of personal property.d. ☐ Sale of real property.

e. Description of property:

NOTICE TO PERSON SERVEDWRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

► A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

EXHIBIT C

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, telephone number and address): Michele R. Stafford (SBN: 172509) Saltzman & Johnson Law Corporation 120 Howard Street, Suite 520 San Francisco, California 94105 TELEPHONE NO.: (415) 882-7900 FAX NO. (Optional): (415) 882-9287 E-MAIL ADDRESS (Optional): mstafford@sjlawcorp.com ATTORNEY FOR (Name): Shop Ironworkers Local 790 Pension Trust, et al. <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR COURT USE ONLY	
United States District Court, Northern District of California STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, California 94102 BRANCH NAME:	CASE NUMBER: C05-3120 MHP	
PLAINTIFF: Shop Ironworkers Local 790 Pension Trust, et al. DEFENDANT: Victor Iron Works, Inc.; Theresa Ector		
<table style="width: 100%;"> <tr> <td style="width: 15%; vertical-align: top;">WRIT OF</td> <td style="width: 85%;"> <input checked="" type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property </td> </tr> </table>		WRIT OF
WRIT OF	<input checked="" type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property	

1. **To the Sheriff or Marshal of the County of:** United States District Court, Northern District of California

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

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3. (Name): Shop Ironworkers Local 790 Pension Trust, et al.

is the ☒ judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. **Judgment debtor (name and last known address):**

Theresa Ector
 2318 Cochran Road
 McKinleyville, CA 95519

Victor Iron Works, Inc.
 747 Lincoln Avenue
 San Rafael, CA 94901

☐ Additional judgment debtors on next page

5. **Judgment entered on (date):**

February 27, 2006

6. ☐ **Judgment renewed on (dates):**

7. **Notice of sale** under this writ

- a. ☒ has not been requested.
 b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

9. ☐ See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

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11. Total judgment \$ 19,665.89

12. Costs after judgment (per filed order or memo CCP 685.090) \$ 4,306.25

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16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) ... \$ 1,667.39 to 12/19/0

17. Fee for issuance of writ \$

18. **Total (add 15, 16, and 17)** \$ 25,639.53

19. **Levying officer:**

(a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of \$ 2.53 from 12/20/07

(b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68511.3; CCP 699.520(i)) \$

20. ☐ The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

[SEAL]

Issued on (date):

Clerk, by _____, Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.

PLAINTIFF: Shop Ironworkers Local 790 Pension Trust, et al.

CASE NUMBER:

C05-3120 MHP

DEFENDANT: Victor Iron Works, Inc.; Theresa Ector

— Items continued from page 1 —

21. ☐ Additional judgment debtor (name and last known address):22. ☐ Notice of sale has been requested by (name and address):23. ☐ Joint debtor was declared bound by the judgment (CCP 989–994)

a. on (date):

a. on (date):

b. name and address of joint debtor:

b. name and address of joint debtor:

c. ☐ additional costs against certain joint debtors (itemize):24. ☐ (Writ of Possession or Writ of Sale) Judgment was entered for the following:a. ☐ Possession of real property: The complaint was filed on (date):

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The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ _____ was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

b. ☐ Possession of personal property.☐ If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.c. ☐ Sale of personal property.d. ☐ Sale of real property.

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► A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).